

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12630 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- SARAI District- Vaishali

Sonu Admin S/O PREM MASHIH VILLAGE- HAMIDNAGAR, PS.-
BILASPUR, DISTT. RAMPUR (UTTAR PRADESH).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 27-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Sarai P.S. Case No. 227 of 2023, registered for the offence under Sections 420, 467, 468, 471, 120 (B) of the Indian Penal Code and Sections 30(a). 32(ii)(iii), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

3. As per FIR, there is recovery of 821.160 litres of illicit country made liquor from the truck bearing Registration No.PH-11DB-0647.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is further submitted that the



petitioner is neither owner nor driver of the said truck and he is only a Khalasi. It is submitted that recovery of alleged illicit liquor was not made from physical possession of the petitioner rather the same was recovered from a truck. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is a man of clean antecedent as stated in para 3 of the bail petition and he is in custody since 03.09.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Sarai P.S. Case No. 227 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Prohibition and Excise Court (second)-cum-Additional District and Sessions Judge, Vaishali at Hajipur.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of



this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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